

FILED  
IN OPEN COURT

JUL 21 2016

CLERK, U.S. DISTRICT COURT  
NORFOLK, VA

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

<b>UNITED STATES OF AMERICA</b>	<b>)</b>	<b><u>UNDER SEAL</u></b>
	<b>)</b>	
<b>v.</b>	<b>)</b>	<b>CRIMINAL NO. 2:16cr 162</b>
	<b>)</b>	
<b>MICHAEL CROSS,</b>	<b>)</b>	<b>18 U.S.C. § 2252(a)(2)</b>
	<b>)</b>	<b>Distribution of Images of Minors</b>
<b>Defendant,</b>	<b>)</b>	<b>Engaging in Sexually Explicit Conduct</b>
	<b>)</b>	<b>(Counts 1-2)</b>
	<b>)</b>	
	<b>)</b>	<b>18 U.S.C. § 2252(a)(4)(B)</b>
	<b>)</b>	<b>Possession of Images of Minors</b>
	<b>)</b>	<b>Engaging in Sexually Explicit Conduct</b>
	<b>)</b>	<b>(Count 3)</b>
	<b>)</b>	
	<b>)</b>	<b>18 U.S.C. § 2253</b>
	<b>)</b>	<b>Criminal Forfeiture</b>

**INDICTMENT**

July 2016 Term -- At Norfolk, Virginia

**COUNT ONE**

THE GRAND JURY CHARGES THAT:

On or about November 25, 2015, in Norfolk, within the Eastern District of Virginia, and elsewhere, defendant MICHAEL CROSS did knowingly distribute a visual depiction using a means and facility of interstate and foreign commerce and that had been shipped and transported in and affecting interstate and foreign commerce, and which contained materials which had been so shipped and transported, by any means including by computer, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct, and such visual depiction was of such conduct.

(In violation of Title 18, United States Code, Section 2252(a)(2).)

**COUNT TWO**

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 17, 2015, in Norfolk, within the Eastern District of Virginia, and elsewhere, defendant MICHAEL CROSS did knowingly distribute a visual depiction using a means and facility of interstate and foreign commerce and that had been shipped and transported in and affecting interstate and foreign commerce, and which contained materials which had been so shipped and transported, by any means including by computer, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct, and such visual depiction was of such conduct.

(In violation of Title 18, United States Code, Section 2252(a)(2).)

**COUNT THREE**

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 11, 2016, in Norfolk, within the Eastern District of Virginia, defendant MICHAEL CROSS did knowingly possess one or more matters, that is an LG cell phone, which was manufactured outside of the Commonwealth of Virginia, which contained visual depictions that had been mailed, and had been shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, and which was produced using materials which had been so mailed, shipped, and transported, by any means including by computer, and the production of such visual depictions involved the use of minors, including prepubescent minors and minors who had not attained 12 years of age, engaging in sexually explicit conduct, and such visual depictions are of such conduct.

(In violation of Title 18, United States Code, Section 2252(a)(4)(B).)

**CRIMINAL FORFEITURE**

THE GRAND JURY FINDS PROBABLE CAUSE THAT:

A. Defendant MICHAEL CROSS, upon conviction of one or more counts in this Indictment, as part of the sentencing of the defendant pursuant to Fed.R.Crim.P. 32.2, shall forfeit to the United States:

1. Any and all matter which contains child pornography or any visual depiction described in Title 18, United States Code, Sections 2251, 2251A, 2252, 2252A, 2252B, or 2260 produced, transported, mailed, shipped, distributed or received in violation of Title 18, United States Code, Section 2251 *et seq.*;
2. Any and all property, real and personal, used or intended to be used in any manner or part to commit or to promote the commission of violations of Title 18, United States Code, Section 2251 *et seq.*, and any property traceable to such property;
3. Any and all property, real and personal, constituting, derived from, or traceable to gross profits or other proceeds obtained from the violations of Title 18, United States Code, Section 2251 *et seq.*; and
4. Any other property of the defendant, up to the value of the property subject to forfeiture, if any property subject to forfeiture, as a result of any act or omission of the defendant (a) cannot be located upon the exercise of due diligence, (b) has been transferred to, sold to, or deposited with a third party, (c) has been placed beyond the jurisdiction of the Court, (d) has been substantially diminished in value, or (e) has been commingled with other property that cannot be divided without difficulty.

B. The property subject to forfeiture under Paragraph A includes, but is not limited to, the following items seized in or around May 2016:

1. Two (2) LG cell phones.

(All pursuant to Title 18, United States Code, Sections 2253 and Title 21, United States Code, Section 853(p).)

Sealed Pursuant to the  
E-Government Act of 2002

*United States v. MICHAEL CROSS*  
2:16CR 102

A TRUE BILL:

REDACTED COPY

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FOREPERSON

DANA J. BOENTE  
UNITED STATES ATTORNEY

By:

  
Elizabeth Yusi  
Assistant United States Attorney  
Attorney for the United States  
United States Attorney's Office  
101 West Main Street, Suite 8000  
Norfolk, VA 23510  
Office Number: (757) 441-6331  
Fax Number: (757) 441-6689  
E-Mail Address: Elizabeth.Yusi@usdoj.gov